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Docket No. 37/882001700

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*Hazel M. Raskowitz*  
Hazel M. Raskowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST and Stephen TUCK

Serial No.: 09/802,376

Filing Date: March 9, 2001

For: IMMUNOMODULATORY  
FORMULATIONS AND METHODS  
FOR USE THEREOF

Examiner: To Be Assigned

Group Art Unit: 1636

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 377882001700. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 24, 2001

Respectfully submitted,

By: Karen R. Zachow  
Karen R. Zachow  
Registration No. 46,332

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

37 + 175  
REFS

Application Number

09/802,376

Filing Date

March 9, 2001

First Named Inventor

Gary VAN NEST

Group Art Unit

1636

Examiner Name

To Be Assigned

Attorney Docket No.

377882001700

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form plus 1 copy for fee processing (2 pgs)
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declarations
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement (3 pages)
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53 (2 pgs)
- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

1. Form PTO-1449 plus copies (33 pages)  
2. One-hundred seventy-five (175) References  
3. Return Receipt Postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018
Signature	<i>Karen R. Zachow</i>
Date	October 24, 2001

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October 24, 2001

Hazel M. Kaskowitz

Postmaster's Statement: This is a statement to certify that the time will be taken, depending upon the needs of the individual case. Any comments on the amount of time will be required to process the form should be sent to the local information officer. The Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231.